



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/721,151	
	Filing Date	11/24/2003	
	First Named Inventor	Roger A. Pyle, et al.	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	6	Attorney Docket Number	109788.0008

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Postcard to be time-stamped and returned.
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	James C. Scott - Roetzel & Andress
Signature	
Date	1/19/2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Jennifer Safranek		
Signature		Date	1/19/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

+

+

O I P E JC109
 JAN 21 2004
 PATENT & TRADEMARK OFFICE

Completeness if Known

Application Number	10/721,151
Filing Date	11/24/2003
First Named Inventor	Roger A. Pyle, et al.
Group Art Unit	
Examiner Name	

(use as many sheets as necessary)

Sheet 1 of 5

Attorney Docket Number	109788.0008
------------------------	-------------

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		6,477,783		Harman, et al.		
		5,456,118		Hines, et al.		
		5,606,133		Hines, et al.		
		5,824,913		Pyle		
		5,817,946		Brovold		
		6,026,692		Brovold		
		5,323,655		Eagan, et al.		
		5,939,642		King, et al.		
		3,461,717		Dunlap, et al.		
		5,275,056		Hamilton, et al.		
		2,972,249		McRae, et al.		
		4,942,768		McRae		
		3,478,572		McRae		
		5,036,709		McRae		
		5,911,164		McRae		
		6,205,864		Vialletel, et al.		
		4,794,799		Paakkinen		
		4,930,346		Paakkinen, et al.		
		5,698,789		Lainio, et al.		
		4,087,918		Schmid, et al.		

[illegible]

Date Considered

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**



+

+

**Compleat if Known**

(use as many sheets as necessary)

2

5

10/721,151

11/24/2003

Roger A. Pyle, et al.

109788.0008

[illegible][illegible]Date
Considered

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

+

Please type a plus sign (+) inside this box → +

PTO/SB/08B (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 3 of 5

Compleat if Known

Application Number	10/721,151
Filing Date	11/24/2003
First Named Inventor	Roger A. Pyle, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	109788.0008

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	✓	TEST QUIP, "Operating Instructions for the Dynamic Angle Validation Kit (DAV) for Superpave Gyratory Compactors", TestQuip Model DAV1, pgs. 1-40.	
	✓	DALTON, FRANK, "Gyratory Compaction, The Significance of the Internal Angle of Gyration", pgs. 1-45.	
		"TRB Superpave Mixture & Aggregate Expert Task Group", 04/04/2001, pgs. 1-13.	
	✓	NCAT, "Evaluation of the Superpave Gyratory Compactor's Internal Gyration Angle in Alabama", pgs. 1-31.	
	✓	PINE INSTRUMENT, "Investigation of FHWA SGC AVK #3 Guide Rod Play", 09/27/2000, pgs. 1-8.	
	✓	"Pressure Response Indicator HM-855", Last viewed on 10/17/2003, pg. 1, Gilson Company, Inc., http://www.globalgilson.com/sections/product/index.asp?pr_id=14171 .	
	✓	GULER, MURAT, et al., "Development of a Device for Measuring Shear Resistance of HMA in the Gyratory Compactor", pgs. 1-24, Paper No. 00-1318, The Asphalt Research Group.	
	✓	"Gyratory Asphalt Mixture Design Gyratory Compactor Calibration", 04/04/2001, pgs. 1-2.	
	✓	"Raw Data from Recent Field Trials Using the Superpave Gyratory Compactor Dynamic Angle Validator (DAV), prepared for the Superpave ETG Meeting, Tempe, Arizona, April 2-4, 2001.	
	✓	"Report 2001-01 Application of Internal Angle Verification to Obtain Equivalent Results from Various SGC Models, Pine Instrument Company, 08/23/2001, pgs. 1-9.	
	✓	"Report 2000-03 Investigation of Pine Superpave Gyratory Compactors Using the FHWA Angle Validation Kit", Pine Instrument Company, 12/29/2000, pgs. 1-9.	

Examiner
Signature

Date
Considered

¹ EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box → +

PTO/SB/08B (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 4 of 5

Complete if Known

Application Number	10/721,151
Filing Date	11/24/2003
First Named Inventor	Roger A. Pyle, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	109788.0008

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	✓	"Report 2000-02 Observations of SGC End Plate Deflection Using the FHWA Angle Validation Kit", Pine Instrument Company, 10/11/2000, pgs. 1-11.	
	✓	AL-KHATEEB, GHAZI, et al., "Target and Tolerance Study for the Angle of Gyration used in the Superpave Gyratory Compactor (SGC)", http://www.tfhrcc.gov/pavement/asphalt/labs/mixtures/target.htm , 08/22/2002, pgs. 1-16.	
	✓	Superpave Gyratory Validation Kit Manufacturer's Meeting, 08/31, pgs. 1-7.	
	✓	"Consideration of Mold Temperature When Measuring the Angle of Gyration on the Troxler Model 4140", October 2001, pgs. 1-6.	
	✓	"Measuring the Angle of Gyration on the Troxler Superpave Gyratory Compactor - SGC Using an Internal Angle Measuring Device", pgs. 1-4.	
	✓	"Troxler's Superpave Gyratory Compactor Operational Specifications", 02/01, pgs. 1-5.	
	✓	"Investigating Measurable Gmb Differences Among Gyratory Compacted Specimens", 05/01, pgs. 1-9.	
	✓	"FGWA Angle Kit Studies at Pine", pgs. 1-14.	
	✓	"Economic Impact Refining the Dynamic Internal Angle of the Superpave Gyratory Compactor", 1/29/03, pgs. 1-10.	
	✓	BUCHANAN, SHANE, M., et al., "Effect of Superpave Gyratory Compactor Type on Compacted Hot Mix Asphalt (HMA) Density", 01/7-11/01, pgs. 1-23.	
	✓	Pine Instrument Company, Report 2000-01, "Superpave Gyratory Compactors - Angle Sensitivity", 03/30/00, pgs. 1-9.	

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box → ☐

PTO/SB/08B (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 5 of 5

Completion if Known

Application Number	10/721,151
Filing Date	11/24/2003
First Named Inventor	Roger A. Pyle, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	109788.0008

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	✓	SCHIEBEL, BILL, "CDOT and Colorado Paving Industry's Action Plan to Address Recently Documented Issue with Compaction Angle...", 04/19/02, pgs. 1-16.	
	✓	"Model 3191 True Mold Angle Device for the Model 4141 Gyratory Compactor", pgs. 1-16.	
	✓	"Model 3190 True Mold Angle Device for the Model 4140 Gyratory Compactor", pgs. 1-20.	
		"Instruction Sheet SGC Load Simulator", 2003, pgs. 1-4, Pine Instrument Company.	
		"DAV2-Angle Measurement Without Mix", Test Quip Angle Validation Kit, pgs. 11-13, 36-41, Test Quip.	

Examiner
Signature

Date
Considered

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.